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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/616,250	07/09/2003	Juan Anguera Font	ANGJ 8704US	9494
1688	7590	10/18/2004	EXAMINER	
POLSTER, LIEDER, WOODRUFF & LUCCHESI 12412 POWERSCOURT DRIVE SUITE 200 ST. LOUIS, MO 63131-3615			RIVELL, JOHN A	
			ART UNIT	PAPER NUMBER

3753

DATE MAILED: 10/18/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/616,250

Applicant(s)

FONT, JUAN ANGUERA

Examiner

John Rivell

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 7/9/03 (application).
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☒ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 01262004.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

Acknowledgment is made of applicant's claim for priority under 35 U.S.C. 119(a)-(d) based upon an application filed in Spain on January 9, 2001 (the Spanish application) and January 8, 2002 (the International Application). A claim for priority under 35 U.S.C. 119(a)-(d) cannot be based on either of said applications, since the United States application was filed (July 9, 2003) more than twelve months thereafter. Additionally, neither the Spanish nor the International application have been received.

The drawings are objected to because the reference numerals are blurred and non uniform.

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "alarm" of claims 2 and 8 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. The replacement sheet(s) should be labeled "Replacement

Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

The abstract of the disclosure is objected to because it is longer than the 250 word limit. Correction is required. See MPEP § 608.01(b).

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1 and 3-7 are rejected under 35 U.S.C. §102 (b) as being anticipated by Khun.

The patent to Khun discloses "a two-way trap comprising: an inlet pipe (10); an outlet pipe (11); a general trap section (lower trap 12) attached to and disposed between the inlet pipe and outlet pipe such that when filled with water to an equilibrium water level equal to the lowest point of the outlet pipe (11), air does not freely communicate between the inlet pipe and the outlet pipe (as shown in figure 1 for example); and an auxiliary trap section (read at upper pipe section 13) attached to one of said inlet pipe and general trap section (here connected to the inlet pipe 10) at a point above the equilibrium water level (the inlet end of section 13 is connected to the inlet 10 at a liquid level "above the equilibrium water level as shown in fig. 1) at a first end and attached to the general trap section (12) at a point (through port 14) below the

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equilibrium water level at a second end, such that if the general trap section (12) became blocked water would flow through the auxiliary trap section yet air would not freely communicate between the inlet pipe and the outlet pipe" as recited in claim 1.

Regarding claim 3, in Khun "the two-way trap further includes a manhole (at either cap 19 in the inlet 10 and the outlet 11) to provide access for repair" as recited.

Regarding claim 4, in Khun, "the auxiliary trap is in vertical alignment with the general trap" as recited.

Regarding claim 5, in Khun "the auxiliary trap is offset to one side of the general trap" as recited.

Regarding claim 6, Khun discloses "an improved drainage system: an inlet pipe (10), an outlet pipe (11) and a general trap (read at lower trap 12) disposed between said inlet and outlet pipes, said general trap providing that when filled with water to an equilibrium water level equal to the lowest point of the outlet pipe, air does not freely communicate between the inlet pipe and the outlet pipe (as shown in fig. 1), the improvement comprising an auxiliary trap (read at section 13) disposed between the inlet pipe (10) and the outlet pipe (11) and having an inlet end operatively attached to the inlet pipe and an outlet end operatively attached to the outlet pipe below the equilibrium water level, such that if the general trap (12) became blocked, water would flow through the auxiliary trap yet air would not freely communicate between the inlet pipe and the outlet pipe" as recited.

Regarding claim 7, in Khun "the auxiliary trap includes a manhole (read at cap 19) to provide access for repair" as recited.

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khun.

The patent to Khun discloses the claimed features with the exception of having "the diameter of the auxiliary trap (be) smaller than the diameter of the general trap". In Khun the diameters appear to be the same.

However, to employ an auxiliary trap having a smaller diameter than the general trap in Khun is considered to be an obvious design expedient over the diameters of the respective traps as disclosed in Khun which provide no new and/or unexpected results nor solves any stated problem.

Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Khun in view of Trueb et al.

The patent to Khun discloses all the claimed features with the exception of having the respective traps "formed from straight plastic pipe sections".

The patent to Trueb et al. at column 5, lines 57-60 discloses that it is known in the art to employ straight plastic pipe sections forming a drain trap generally shown in fig. 1 for the purpose of accommodating sewer water and precluding the effects the sewer water would have on normal metallic piping.

It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Khun "straight plastic pipe sections" forming the trap device of Khun for the purpose of accommodating sewer water and precluding the effects the sewer water would have on normal metallic piping as recognized by Trueb et al.

Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Khun in view of Caple.

The patent to Khun discloses all the claimed features with the exception of having an "alarm" indicative of drain blockage.

The patent to Caple discloses that it is known in the art to employ a probe 11 fitting within a standard drain trap at 5 for the purpose of indicating drain pipe blockage indicated by sewer water backup caused by pipe blockage.


It would have been obvious at the time the invention was made to a person having ordinary skill in the art to employ in Khun an alarm probe located in the standard trap 12 for the purpose of indicating drain pipe blockage as recognized by Caple.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John Rivell whose telephone number is (703) 308-2599. The examiner can normally be reached on Mon.-Thur. from 6:30am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gene Mancene can be reached on (703) 308-2696. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


John Rivell
Primary Examiner
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